

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LEEN ABUSALEM, individually, and on behalf of	)	
all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	Notice of Removal of Action Under
v.	)	28 U.S.C. 1441(a)—Federal
	)	Question Jurisdiction
THE STANDARD MARKET, LLC,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

TO THE CLERK OF THE NORTHERN DISTRICT OF ILLINOIS:

PLEASE TAKE NOTICE that Defendant The Standard Market, LLC (“Standard Market”) hereby removes to this Court the state court action described below.

1. On May 9, 2019, Plaintiff Leen Abusalem (“Abusalem”) filed her Original Complaint in the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois, Law Division entitled *Leen Abusalem, individually, and on behalf of all others similarly situated v. The Standard Market, LLC*, 2019 L 000517 (“State Court Action”).

2. Abusalem’s Original Complaint asserted a single count alleging that Standard Market violated Illinois’ Biometric Privacy Information Act (“BIPA”), 740 ILCS 14/1, *et seq.* Because Abusalem’s sole claim was a state law action, the United States district courts would have lacked original jurisdiction over the Original Complaint at that time.

3. On September 6, 2019, Standard Market filed a motion to dismiss the Original Complaint.

4. Instead of opposing Standard Market’s motion to dismiss, on September 23, 2019, Abusalem filed an Amended Complaint in the State Court Action. The first date that Standard

Market received a copy of the Amended Complaint was on September 23, 2019, when Abusalem served the Amended Complaint upon Standard Market.

5. The Amended Complaint, for the first time, added a count under the federal Worker Adjustment and Retraining Notification Act (“U.S. WARN Act”) (Count Five). Abusalem also split his BIPA claim into three distinct counts (Counts One–Three) and alleged a new violation of the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 (Count Four).

6. Venue is proper in this Court because the action is being removed from the Eighteenth Judicial Circuit, DuPage County, Illinois, which lies within the Northern District of Illinois, Eastern Division. *See* 28 U.S.C. §§ 1441(a) and 1446(a).

7. The Court has original jurisdiction over this civil action under 28 U.S.C. section 1331, as Count Five of the Amended Complaint arises under the U.S. WARN Act, 29 U.S.C. § 2101, a law of the United States. Therefore, removal is proper under 28 U.S.C. section 1441(a). Additionally, because original jurisdiction lies, this Court has supplemental jurisdiction over the remaining claims (Counts One–Four) under 28 U.S.C. § 1367(a). Finally, this Notice of Removal is timely, as it has been filed within 30 days after Standard Market received a copy of the Amended Complaint, from which Standard Market was first able to ascertain the removability of this case, based on the U.S. Warn Act cause of action pled in Count Five. 28 U.S.C. § 1446(b)(3).

8. Pursuant to 28 U.S.C. § 1446(a) attached hereto and marked as **Exhibit A** is a true and correct copy of all process, pleadings, and orders served upon Standard Market in the state court.

9. Pursuant to 28 U.S.C. § 1446(d), promptly upon filing of this Notice of Removal, copies thereof will be sent to Plaintiff’s counsel and filed with the Clerk of the Court in the state court action.

10. The undersigned Defendant is the only named defendant in both the Original Complaint and the Amended Complaint.

WHEREFORE, Defendant The Standard Market, LLC gives notice of the removal of the State Court Action pending in the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois, Law Division to the United States District Court for the Northern District of Illinois, Eastern Division.

Dated: October 23, 2019

The Standard Market, LLC

By: /s/ Thomas J. Sotos

One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, Thomas J. Sotos, an attorney, certify that I caused to be served, by email and U.S. Mail, Defendant The Standard Market, LLC's Notice of Removal upon counsel for the Plaintiff on this 23rd day of October, 2019.

/s/ Thomas J. Sotos  
Attorney for The Standard Market, LLC